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1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 141 (2d L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous painting certification;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 63. HAZARDOUS PAINTING CERTIFICATION.

11 Sec. 18.63.010. HAZARDOUS PAINTING CERTIFICATE REQUIRED. (a) A
12 person may not employ or contract with a professional painter to
13 perform hazardous painting for compensation unless the painter holds a
14 current valid hazardous painting certificate issued by the department.
15 As a condition of employment, an employer may require a professional
16 painter to provide a copy of the certificate. It is a defense to a
17 violation of this subsection by an employer if the employer produces a
18 copy of the painter's certificate and the employer reasonably believed
19 the certificate was not falsified.

20 (b) A professional painter may not provide a falsified hazardous
21 painting certificate to an employer or make a false statement to an
22 employer regarding the painter's certification.

23 Sec. 18.63.020. ISSUANCE OF CERTIFICATE. (a) An application
24 for issuance of a hazardous painting certificate shall be on a form
25 prescribed by the department. An application for initial issuance of
26 a certificate shall include proof that the applicant completed an
27 approved basic hazardous painting certificate program not more than 30
28 days before the application was received by the department. An appli-
29 cation for certificate renewal shall include proof that the applicant

1 completed an approved supplemental hazardous painting certificate
2 program not more than 30 days before the date the application was
3 received by the department.

4 (b) The department shall issue a hazardous painting certificate
5 to an applicant who has completed an application and submitted a
6 certificate fee. A certificate is valid for three years.

7 Sec. 18.63.030. FEE. The commissioner shall establish the
8 triennial fee for a hazardous painting certificate by regulation. The
9 fee must reflect the department's approximate costs or projected costs
10 for the hazardous painting certification program.

11 Sec. 18.63.040. CERTIFICATE PROGRAMS. (a) The department shall

12 (1) establish requirements for basic and supplemental
13 hazardous painting certificate programs;

14 (2) review, and approve or disapprove, programs proposed by
15 contractors, labor organizations, public and private schools, voca-
16 tional education institutions, and others;

17 (3) assist persons who propose programs to meet require-
18 ments for approval.

19 (b) A basic hazardous painting certificate program must include
20 instruction and written and practical testing in methods of ventila-
21 tion, respirator selection, chemical reaction to body tissue, proper
22 use of painting tools, knowledge of relevant health and safety laws
23 and regulations, including relevant portions of state occupational
24 safety and health standards adopted by reference under 8 AAC 61.010,
25 and other appropriate subjects. A basic hazardous painting certifi-
26 cate program may not exceed 16 hours of instruction and testing. A
27 supplemental hazardous painting certificate program shall include
28 instruction and written and practical testing necessary to ensure that
29 a person who completes the program will be knowledgeable about new

1 developments and changes related to hazardous painting that have
2 occurred since the person completed a basic hazardous painting cer-
3 tificate program.

4 (c) A hazardous painting certificate program conducted by an
5 employer of a person enrolled in the program may include safety in-
6 struction required under AS 18.60.066.

7 Sec. 18.63.050. INSPECTIONS AND CITATIONS. The department shall

8 (1) inspect job sites to assure that persons performing
9 hazardous painting are certified as required under AS 18.63.010(a) and
10 are performing the work safely; and

11 (2) issue citations to persons who employ or contract with
12 a professional painter in violation of AS 18.63.010(a).

13 Sec. 18.63.060. REGULATIONS. The department may adopt regula-
14 tions necessary for the implementation of this chapter.

15 Sec. 18.63.070. PENALTY. The department may impose a civil fine
16 of not more than \$200 for a first violation, and not more than \$1,000
17 for a subsequent violation, of this chapter or a regulation adopted
18 under this chapter. If a professional painter makes a false statement
19 as to the painter's certification or shows a false certification to an
20 employer the department may impose a civil fine of not more than \$200
21 for a first violation, and not more than \$1,000 for a subsequent vio-
22 lation.

23 Sec. 18.63.100. DEFINITIONS. In this chapter

24 (1) "department" means the Department of Labor;

25 (2) "hazardous painting" means the application of a sub-
26 stance containing a pigment or containing or combined with a toxic or
27 hazardous substance, as defined in AS 18.60.105. in vaporized, liquid,
28 or particulate form to create a coating that will adhere to a surface
29 to protect or preserve the surface; "hazardous painting" does not

1 include the application of water-based paint that does not contain
2 emulsion epoxies or isocyanates;

3 (3) "professional painter" means a painting contractor, an
4 employee of a painting contractor, or a person engaged in the business
5 of painting, but does not include a casual laborer, a commercial
6 artist, or a person who creates artworks.

7 * Sec. 2. AS 18.63.020, 18.63.030, 18.63.040, 18.63.060, 18.63.070, and
8 18.63.100, added by sec. 1 of this Act, take effect immediately under
9 AS 01.10.070(c).

10 * Sec. 3. AS 18.63.010 and 18.63.050, added by sec. 1 of this Act, take
11 effect May 15, 1989.